

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference K440401WO	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/DE2004/001578	International filing date (day/month/year) 21.07.2004	Priority date (day/month/year) 24.07.2003
International Patent Classification (IPC) or national classification and IPC F16G13/16, B60J5/06		
Applicant IGUS GMBH		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 5 sheets, as follows:

☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/DE2004/001578

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
 - ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
 - ☐ the international application as originally filed/furnished
 - ☒ the description:
 - pages 3-19 _____ as originally filed/furnished
 - pages* 1, 2, 2a _____ received by this Authority on 24.05.2005 with
 - pages* _____ received by this Authority on telefax
 - ☒ the claims:
 - nos. 21-23 _____ as originally filed/furnished
 - nos.* _____ as amended (together with any statement) under Article 19
 - nos.* 20, 20a _____ received by this Authority on 24.05.2005 with
 - nos.* _____ received by this Authority on telefax
 - ☒ the drawings:
 - sheets 1/13-3/13 _____ as originally filed/furnished
 - sheets* _____ received by this Authority on _____
 - sheets* _____ received by this Authority on _____
 - ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (specify): _____
 - ☐ any table(s) related to sequence listing (specify): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (specify): _____
 - ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/DE2004/001578

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-16</u>	YES
	Claims		NO
Inventive step (IS)	Claims	<u>1-16</u>	YES
	Claims		NO
Industrial applicability (IA)	Claims	<u>1-16</u>	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1. This report makes reference to the following documents:

D1: DE 199 48 852 C (WEBASTO TUERSYSTEME GMBH) 16
August 2001 (2001-08-16)

D2: US-B1-6 174 020 (DE CLERCQ MICHAEL ET AL) 16
January 2001 (2001-01-16)

2. NOVELTY AND INVENTIVE STEP

- 2.1 D1, which is considered to be the closest prior art, discloses (see column 3, line 41 to column 4, line 66; figures 1-5) a energy guide chain system having all the features of the preamble of **claim 1**, from which the subject matter of claim 1 differs by the provision of a guide channel in the form of a hollow profile having two opposing lateral walls which the lateral walls of the strand and of the deflection regions of the energy guide chain abut with little play, said hollow profile having a passage for the carrier which extends in the longitudinal direction; and by the arrangement of the carrier entirely outside of the area extending between the two strands.

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

- 2.2 The subject matter of claim 1 is therefore novel (PCT Article 33(2)).
- 2.3 The problem to be solved by the present invention can be regarded as that of improving the guiding of the energy guide chain.
- 2.4 None of the documents cited in the search report discloses such a guide channel. D1 describes a top covering which covers the energy guide chain from above, but does not guide the chain laterally. In D2, the energy guide chain is arranged freely in the vehicle body. The subject matter of claim 1 therefore involves an inventive step (PCT Article 33(3)).
- 2.5 **Claims 2 to 16** are dependent on claim 1 and therefore also meet the PCT requirements for novelty and inventive step.